

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**IN RE: WRIGHT MEDICAL
TECHNOLOGY, INC., CONSERVE
HIP IMPLANT PRODUCTS
LIABILITY LITIGATION**

MDL DOCKET NO. 2329

This Document Relates to:

**ROBYN CHRISTIANSEN,
1:13-cv-00297-WSD**

PLAINTIFF'S MOTIONS *IN LIMINE*

Plaintiff Robyn Christiansen files these, her Motions *in Limine*, asking the Court to issue an Order *in limine* that prohibits Defendants Wright Medical Group, Inc. and Wright Medical Technology, as well as their counsel and witnesses, at trial from any reference, evidence or argument relating to the following:

1. The potential extrinsic effects of an award of damages not germane to the claims and defenses, including, without limitation:
 - a. Contenting or implying that an award of damages could or would adversely affect the ability of any member of the jury to purchase, or to have available, medical devices or medications in the future, or affect the cost of such devices or medications, and

- b. Contending or implying that an award of damages could or would have an adverse effect on the finances or ability of Defendants to compete in the marketplace or negatively affect the economy or lead to layoffs by Defendants;
- 2. Any comment or reference to Wright Medical's corporate philanthropy or good deeds by Wright Medical or their employees, or any attempt to bolster the alleged character of the Wright Medical Defendants as "good corporate citizens."
- 3. Bolstering of the unchallenged character (*e.g.*, honesty) or traits (*e.g.*, generosity) of any witness or of any current or former employee, agent, distributor, or manager of Wright Medical preemptively; and
- 4. Plaintiff's two (2) prior worker's compensation claims and her prior claim against Merck relating to a vaccine.

Because these four categories of evidence have no probative value, and any potential probative value is substantially outweighed by the dangers of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, and/or wasting time, Fed. Rs. Evid. 401, 402 and 403 require their exclusion. Moreover, the bolstering of the unchallenged character of a party is

prohibited by Fed. R. Civ. P. 404, and the bolstering of the unchallenged character of a witness is prohibited by Fed. Rs. Evid. 404, 607 and 608.

WHEREFORE, for these reasons, and for those set forth in detail in Plaintiff's accompanying Memorandum of Law Supporting her Motions *In Limine*, Plaintiff requests that the Court Order, *In Limine*, that Defendants, their counsel, and witnesses cannot present any evidence, reference or argument at trial relating to the following:

1. The potential extrinsic effects of an award of damages not germane to the claims and defenses, including, without limitation:
 - a. Contending or implying that an award of damages could or would adversely affect the ability of any member of the jury to purchase, or to have available, medical devices or medications in the future, or affect the cost of such devices or medications, and
 - b. Contending or implying that an award of damages could or would have an adverse effect on the finances or ability of Defendants to compete in the marketplace or negatively affect the economy or lead to layoffs by Defendants;
2. Any comment or reference to Wright Medical's corporate philanthropy or good deeds by Wright Medical or their employees, or any attempt to bolster

the alleged character of the Wright Medical Defendants as “good corporate citizens.”

3. Bolstering of the unchallenged character (*e.g.*, honesty) or traits (*e.g.*, generosity) of any witness or of any current or former employee, agent, distributor, or manager of Wright Medical preemptively; and
4. Plaintiff’s two (2) prior worker’s compensation claims and her prior claim against Merck relating to a vaccine.

A proposed Order is included for the convenience of the Court.

Respectfully submitted, this 2nd day of October, 2015.

/s/ Michael L. McGlamry

Michael L. McGlamry

GA Bar No. 492515

William U. Norwood

GA Bar No. 547100

N. Kirkland Pope

GA Bar No. 584255

POPE McGLAMRY, P.C.

3391 Peachtree Road, NE, Suite 300

P.O. Box 191625 (31119-1625)

Atlanta, GA 30326

(404) 523-7706

Fax (404) 524-1648

E-mail: efile@pmkm.com

C. Neal Pope

GA Bar No. 583769

POPE McGLAMRY, P.C.

1111 Bay Avenue, Suite 450
P.O. Box 2128 (31902-2128)
Columbus, GA 31901-2412
(706) 324-0050
Fax (706) 327-1536
E-mail: efile@pmkm.com

Helen E. Zukin
KIESEL LAW, LLP
8648 Wilshire Blvd.
Beverly Hills, CA 90211
(310) 854-4444
Fax (310) 854-0812

Counsel for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**IN RE: WRIGHT MEDICAL
TECHNOLOGY, INC., CONSERVE
HIP IMPLANT PRODUCTS
LIABILITY LITIGATION**

MDL DOCKET NO. 2329

This Document Relates to:

**ROBYN CHRISTIANSEN,
1:13-cv-00297-WSD**

[PROPOSED] ORDER ON PLAINTIFF’S MOTIONS *IN LIMINE*

WHEREAS the Court has reviewed Plaintiff’s Motions *in Limine*, and the
briefs in support and in response to her Motions; and

For good cause shown,

IT IS HEREBY ORDERED:

Defendants, their counsel, and witnesses are precluded from presenting any
evidence, reference or argument at trial relating to the following:

1. The potential extrinsic effects of an award of damages not germane to the
claims and defenses, including, without limitation:
 - a. Contenting or implying that an award of damages could or would
adversely affect the ability of any member of the jury to purchase, or

to have available, medical devices or medications in the future, or affect the cost of such devices or medications, and

- b. Contending or implying that an award of damages could or would have an adverse effect on the finances or ability of Defendants to compete in the marketplace or negatively affect the economy or lead to layoffs by Defendants;
2. Any comment or reference to Wright Medical's corporate philanthropy or good deeds by Wright Medical or their employees, or any attempt to bolster the alleged character of the Wright Medical Defendants as "good corporate citizens."
3. Bolstering of the unchallenged character (*e.g.*, honesty) or traits (*e.g.*, generosity) of any witness or of any current or former employee, agent, distributor, or manager of Wright Medical preemptively; and
4. Plaintiff's two (2) prior worker's compensation claims and her prior claim against Merck relating to a vaccine.

SO ORDERED this _____ day of _____, 2015.

WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **PLAINTIFF'S MOTIONS *IN LIMINE*** has been electronically served on Wright by electronic mail in accordance with the parties' agreement and by U.S. First Class mail.

Dana J. Ash, Esq.
J. Scott Kramer, Esq.
DUANE MORRIS LLP
United Plaza
30 South 17th Street
Philadelphia, PA 19103

Sean K. Burke, Esq.
DUANE MORRIS LLP
505 9th Street, NW, Suite 1000
Washington, DC 20004-2166

William D. Barwick, Esq.
DUANE MORRIS LLP
1075 Peachtree Street, N.E., Suite 2000
Atlanta, GA 30309-3929

This, the 2nd day of October 2015.

/s/ Michael L. McGlamry
Michael L. McGlamry
Georgia Bar No. 492515